

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

<p>TEAM WORLDWIDE CORPORATION,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>ACADEMY, LTD D/B/A ACADEMY SPORTS + OUTDOORS,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 2:19-cv-92-JRG-RSP</p> <p style="text-align: center;">LEAD CASE</p>
<p>ACE HARDWARE CORPORATION,</p> <p>AMAZON.COM, INC, AMAZON.COM LLC,</p> <p>BED BATH & BEYOND INC.,</p> <p>COSTCO WHOLESALE CORPORATION,</p> <p>DICK'S SPORTING GOODS, INC.,</p> <p>THE HOME DEPOT, INC.,</p> <p>MACY'S, INC., MACY'S.COM, LLC,</p> <p>TARGET CORPORATION, and TARGET BRANDS, INC.,</p> <p>SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, and TRANSFORM HOLDCO LLC,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 2:19-cv-00093-JRG-RSP</p> <p>Case No. 2:19-cv-00094-JRG-RSP</p> <p>Case No. 2:19-cv-00095-JRG-RSP</p> <p>Case No. 2:19-cv-00096-JRG-RSP</p> <p>Case No. 2:19-cv-00097-JRG-RSP</p> <p>Case No. 2:19-cv-00098-JRG-RSP</p> <p>Case No. 2:19-cv-00099-JRG-RSP</p> <p>Case No. 2:19-cv-00100-JRG-RSP</p> <p>Case No. 2:20-cv-00006-JRG-RSP</p> <p style="text-align: center;">CONSOLIDATED CASES</p>

JOINT STATUS REPORT

Plaintiff Team Worldwide Corporation (“TWW”) and Defendants Academy Ltd. d/b/a Academy Sports + Outdoors; Ace Hardware Corporation; Dick’s Sporting Goods, Inc.; Home Depot U.S.A., Inc. and Home Depot Product Authority, LLC; Target Corporation; Sears, Roebuck and Co. and Sears Holdings Corporation; Transform SR LLC and Transform KM LLC; Amazon.com, Inc. and Amazon.com LLC (collectively, “Defendants”) submit this joint status report to update the court regarding proceedings related to U.S. Patent Nos. 9,211,018 (the “’018 Patent”), 7,346,950 (the “’950 Patent”), and 7,246,394 (the “’394 Patent”) (collectively, the “Asserted Patents”) and, more specifically, claims 1, 7, and 11–14 of the ’018 Patent (the “’018 Patent Asserted Claims”), claims 1, 7, and 11–14 of the ’950 Patent (the “’950 Patent Asserted Claims”), and claims 1–12 and 16–23 of the ’394 Patent (the “’394 Patent Asserted Claims”) (collectively, the “Asserted Claims”).

The Patent Trial and Appeal Board (the “PTAB”) has invalidated all of the Asserted Claims and the Federal Circuit recently affirmed these decisions. Specifically:

- On April 15, 2022, the PTAB invalidated the ’018 Patent Asserted Claims (as well as unasserted claim 5 of the ’018 Patent) in IPR2018-00859. The Federal Circuit affirmed that decision on October 11, 2023 in Case No. 2022-1860. *See Team Worldwide Corp. v. Intex Rec. Corp. et al.*, 2023 WL 6613791 (Fed. Cir. Oct. 11, 2023).
- On September 11, 2019, the PTAB invalidated the ’950 Patent Asserted Claims in IPR2018-00875. The Federal Circuit affirmed that decision on October 23, 2023 in Case No. 2020-1147. *See Team Worldwide Corp. v. Intex Rec. Corp. et al.*, 2023 WL 6969791 (Fed. Cir. Oct. 23, 2023).
- On September 12, 2019, the PTAB invalidated the ’394 Patent Asserted Claims in IPR2018-00870 and IPR2018-00871. On October 25, 2019, the PTAB invalidated the ’394

Patent Asserted Claims in IPR2018-00874 on separate grounds. The Federal Circuit affirmed the PTAB's decision in IPR2018-00874 on October 23, 2023 in Lead Case No. 2020-1141. *See Intex Rec. Corp. et al. v. Team Worldwide Corp.*, 2023 WL 6969790 (Fed. Cir. Oct. 23, 2023).

On November 9, 2023, Plaintiff TWW filed a petition for panel rehearing and rehearing en banc in the U.S. Court of Appeals for the Federal Circuit for Case No. 2022-1860. This petition seeks rehearing for the decision *Team Worldwide Corp. v. Intex Rec. Corp. et al.*, 2023 WL 6613791 (Fed. Cir. Oct. 11, 2023) regarding the '018 Patent and the PTAB's Final Written Decision on Remand in IPR2018-00859. For the '394 and '950 Patents, TWW's deadline to file petitions for rehearing to the Federal Circuit for these decisions is November 22, 2023.

Date: November 10, 2023

/s/ J. Michael Woods by permission Charles
Everingham IV

J. Michael Woods

Cherian LLP

1901 L St. NW, Suite 700

Washington, DC 20036

Telephone: (202) 838-1560

michaelw@cherianllp.com

Korula T. Cherian

Robert Harkins

Cherian LLP

2001 Addison St., Suite 275

Berkeley, CA 94704

Telephone: (510) 944-0190

sunnyc@cherianllp.com

bobh@cherianllp.com

Elizabeth L. DeRieux

Respectfully submitted,

/s/ Reid E. Dodge by permission Charles
Everingham IV

Faegre Drinker Biddle & Reath LLP

R. Trevor Carter (admitted in E.D. Texas)

trevor.carter@faegredrinker.com

Andrew M. McCoy (admitted in E.D. Texas)

andrew.mccoy@faegredrinker.com

Reid E. Dodge (admitted in E.D. Texas)

reid.dodge@faegredrinker.com

300 N. Meridian St., Suite 2500

Indianapolis, IN 46204

(317) 237-0300 (telephone)

(317) 237-1000 (facsimile)

*Counsel for Defendants Academy, Ltd d/b/a
Academy Sports + Outdoors; Ace Hardware
Corporation; Dick's Sporting Goods, Inc.;
Home Depot U.S.A., Inc. and Home Depot
Product Authority, LLC; Target Corporation;*

State Bar No. 05770585
Capshaw DeRieux, LLP
114 E. Commerce Ave.
Gladewater, TX 75647
Telephone: (903) 845-5770
ederieux@capshawlaw.com

Counsel for Plaintiff Team Worldwide Corporation

Sears, Roebuck and Co., and Sears Holdings Corporation; and Transform SR LLC and Transform KM LLC

Charles Everingham IV
State Bar No. 00787447
Ward Smith & Hill, PLLC
P.O. Box 1231
Longview, TX 75606-1231
(903) 757-6400 (telephone)
(903) 757-2323 (facsimile)
Email: ce@wsfirm.com

Counsel for Defendants Ace Hardware Corporation; Dick's Sporting Goods, Inc.; Home Depot U.S.A., Inc. and Home Depot Product Authority, LLC; Target Corporation; Sears, Roebuck and Co., and Sears Holdings Corporation; and Transform SR LLC and Transform KM LLC

/s/ Steven A. Caloiaro by permission Charles Everingham IV

Dickinson wright PLLC
John S. Artz
jsartz@dickinsonwright.com
350 S. Main St., Suite 300
Ann Arbor, MI 48104
(734) 623-7075
Steven A. Caloiaro
scaloiaro@dickinsonwright.com
100 W. Liberty St., Suite 940
Reno, NV 8951
(775) 343-7500

Counsel for Defendants Academy, Ltd d/b/a Academy Sports + Outdoors and Target Corporation

/s/ Robert T. Cruzen

Robert T. Cruzen
Klarquist Sparkman LLP
One World Trade Center
121 SW Salmon St., Suite 1600
Portland, OR 97204

*Counsel for Defendants Amazon.com, Inc. and
Amazon.com LLC*

/s/ Gregory J. Carlin by permission Charles
Everingham IV

John W. Harbin

Gregory J. Carlin

Walter Hill Levie III

Meunier Carlin & Curfman LLC

999 Peachtree St. NE, Suite 1300

Atlanta, GA 30309

*Counsel for Defendants Bed Bath & Beyond
Inc.; Costco Wholesale Corporation; and
Macy's Retail Holdings, Inc. and Macy's.com,
LLC*

Michael C. Smith

State Bar No. 18650410

Scheef & Stone, LLP

113 East Austin St.

Marshall, TX 75670

Office: 903-938-8900

michael.smith@solidcounsel.com

*Counsel for Defendants Academy, Ltd d/b/a
Academy Sports + Outdoors; Ace Hardware
Corporation; Amazon.com, Inc. and
Amazon.com LLC; Bed Bath & Beyond Inc.;
Costco Wholesale Corporation; Dick's Sporting
Goods, Inc.; Macy's Retail Holdings, Inc. and
Macy's.com, LLC; Home Depot U.S.A., Inc. and
Home Depot Product Authority, LLC; Target
Corporation; and Sears, Roebuck and Co.,
Sears Holdings Corp., Transform SR LLC and
Transform KM LLC*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on counsel of record, all of whom have consented to electronic service, on this 10th day of November, 2023.

/s/ Charles Everingham IV

Charles Everingham IV